

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

JOSHUA CAREY, and)
ARIEL MACHIA,)

Case No. 3: 18-mj-99 (CF#)

Defendants)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2016 in the county of Delaware in the Northern District of New York the defendant(s) violated:

*Code Section*Title 18, United States Code, Section
2251(a)*Offense Description*

Sexual Exploitation of a Child

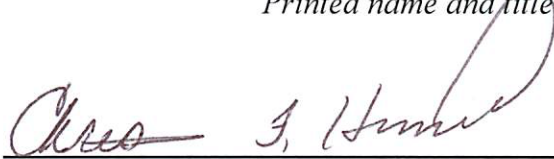
This criminal complaint is based on these facts:
See attached affidavit☒ Continued on the attached sheet.*Complainant's signature*

David C. Fallon, Special Agent, FBI

Printed name and title

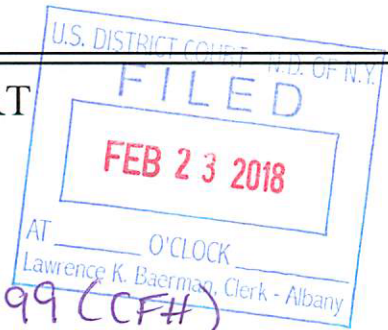
Sworn to before me and signed in my presence.

Date: February 23, 2018

*Judge's signature*

City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, David C. Fallon, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since May, 1991. I am assigned to the Albany Division, Albany, New York. My assignments include investigating violations of Federal Law—specifically, violent criminal offenses against children, including those involving the sexual exploitation of children. Prior to my employment as a Special Agent, I was an attorney licensed to practice law in the State of Rhode Island.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7)—that is, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the exploitation of a minor for sexual purposes in violation of Title 18, United States Code, Section 2251(a).

3. I make this affidavit in support of a criminal complaint charging Joshua Carey (hereinafter “CAREY”) and Ariel Machia (hereinafter “MACHIA”) with knowingly employing, using, persuading, inducing, enticing, or coercing a minor, to wit, Jane Doe, who at the time of the event was approximately one year old, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that were been mailed, shipped or transported in or affecting interstate or foreign commerce, in violation of Title 18, United States Code, Section 2251(a).

4. The statements contained in this affidavit are based upon my investigation,

information provided by other law enforcement officers, and on my experience and training as a Special Agent of the FBI. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that CAREY and MACHIA have violated Title 18, United States Code, Section 2251(a).

Details of the Investigation

5. Between February 14, 2018 and February 21, 2018, during a forensic examination by New York State Police (NYSP) of a computer hard drive seized via search warrant from the home of a third party, investigators discovered over 25 digital files containing sexually explicit images of Jane Doe. Metadata contained within some of the images indicate that they were taken with a Nikon-brand digital camera.

6. Generally, the images depict the lewd and lascivious exhibition of the genitalia of Jane Doe, a one-year-old child. Individuals identified as CAREY and MACHIA, as described below, also appear in many of the images.

7. What follows is a description of several of the images:

a. "Carved image [59677303]" depicts Jane Doe being held against CAREY's abdomen, with her legs spread apart. Both CAREY and Jane Doe are naked, with their genitalia exposed to the camera. MACHIA's hand appears to be pressing CAREY's erect penis against Jane Doe's naked pubic area.

b. "Carved image [5967717]" depicts Jane Doe, naked, with her legs held apart. CAREY is touching Jane Doe's vagina, in that he appears to be using his fingers to spread it open.

c. "Carved image [59810247]" depicts Jane Doe lying on her back naked atop a pink comforter. MACHIA is touching Jane Doe's vagina, in that she appears to be using her

fingers to spread it open.

8. On February 22, 2018, your affiant and other investigators located and interviewed CAREY and MACHIA at their home in Stamford, New York. After your affiant showed MACHIA the above-described images, MACHIA admitted that she took the pictures with an LG- or Samsung-brand cellular telephone in or around May 2016 at the home she and CAREY share in Stamford, New York. MACHIA identified herself, CAREY, and Jane Doe, a child known to her, as the individuals depicted in the images, and explained that she knew Jane Doe to have been approximately one year old at the time she and CAREY created the images. MACHIA also admitted to taking another image that your affiant showed to her, and which is described as follows: CAREY is naked, lying on his back. Jane Doe is lying on his stomach, face down, and also naked. CAREY's right hand is holding his erect penis and placing it in or near Jane Doe's anus. Parts of a tattoo, consisting of the Gaelic-styled letters "I," "A," and "H," are visible on CAREY's left forearm.

9. During his interview with Special Agent Brian Seymour on February 22, 2018, CAREY admitted that he participated, with MACHIA, in creating the images described above in or around mid-2016 at his home in Stamford, New York. CAREY further admitted that he is the adult male depicted in the images and that he knew Jane Doe to be approximately one year old at the time the images were taken. CAREY recalled that MACHIA took the images using her cellular telephone. Moreover, your affiant observed that CAREY had tattoos, in Gaelic lettering, of the names "WYATT" and "URIAH" on his right and left forearms, respectively, consistent with the "I," "A," and "H," described above.

10. On February 22, 2018, your affiant and other investigators executed a federal search warrant, authorized by this Court, at CAREY and MACHIA's home in Stamford, New York. During the search, investigators found a Nikon digital camera, consistent with the metadata from

images recovered from the third party's hard drive; an LG and a Samsung cellular telephone, consistent with MACHIA's admission that she used either an LG- or a Samsung-brand cellular telephone to create the above-described images; and a pink comforter that matches a pink comforter depicted in the images.

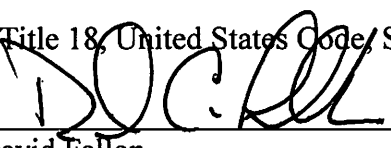
11. Based upon information and belief, neither of the cellular telephones named by MACHIA as having been the one that she used to take the above-described images, nor the Nikon digital camera found at the Stamford home, were manufactured in the State of New York.

12. Review of CAREY's criminal history reveals that CAREY is a registered sex offender, having been convicted on March 14, 2005, in Delaware County Court, of Rape in the Second Degree. On information and belief, that offense involved a victim under the age of 15.

Conclusion

13. Based upon the above information, there is probable cause to believe that CAREY and MACHIA produced child pornography in or about May 2016 in the Northern District of New York.

WHEREFORE, I respectfully request that the Court issue a complaint charging JOSHUA CAREY and ARIEL MACHIA with violating Title 18, United States Code, Section 2251(a).



David Fallon
Special Agent
Federal Bureau of Investigations

Sworn to me this 23rd
day of February, 2018.



Hon. Christian F. Hummel
United States Magistrate Judge